

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Michael R. Matthias

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ELINS FAMILY TRUST, a California trust; ELINS
DAUGHTERS TRUST FOR THE BENEFIT OF
JAMIE ANN ELINS DATED DECEMBER 12,
1989, a California trust; ELINS DAUGHTERS
TRUST FOR THE BENEFIT OF JULIE LYNN
ELINS DATED DECEMBER 12, 1989, a California

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04339 (SMB)

trust; LAWRENCE ROBERT ELINS a/k/a LARRY ELINS, as trustee and as an individual; LINDA ELINS; JAMIE ELINS SABET; and JULIE ELINS BANKS,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF
ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and defendants Elins Family Trust, Elins Daughters Trust for the Benefit of Jamie Ann Elins Dated December 12, 1989, Elins Daughters Trust for the Benefit of Julie Lynn Elins Dated December 12, 1989, Lawrence Robert Elins a/k/a Larry Elins, as trustee and as an individual, Linda Elins, Jamie Elins Sabet and Julie Elins Banks (collectively, “Defendants”), by and through their counsel, Kleinberg, Kaplan, Wolff & Cohen, P.C. (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee filed and on January 4, 2011, served the Complaint against Defendants.
2. On November 17, 2014, Defendants served a Motion to Dismiss on the Trustee, which is still pending.
3. On October 8, 2015, the Parties filed a Stipulation Regarding Dismissal of Certain Claims.
4. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181], the Parties entered into a Settlement Agreement and Release on

November 6, 2015.

5. Pursuant to the terms of the Settlement Agreement and Release, and in accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and a dismissal of the adversary proceeding with prejudice.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: December 1, 2015

Of Counsel:

BAKER & HOSTLER LLP
11601 Wilshire Boulevard, Suite 1400
Los Angeles, California 90025-0509
Telephone: 310.820.8800
Facsimile: 310.820.8859
Michael R. Matthias
Email: mmathias@bakerlaw.com

BAKER & HOSTLER LLP

By: s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**KLEINBERG, KAPLAN, WOLFF
& COHEN, P.C.**

By: s/ Matthew J. Gold
551 Fifth Avenue
New York, New York 10176
Telephone: (212) 880-9827
Facsimile: (212) 986-8866
David Parker
Email: dparker@kkwc.com
Matthew J. Gold
Email: mgold@kkwc.com

Attorneys for Defendants

SO ORDERED

Dated: December 2nd, 2015
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE